

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Todd Curtis Myers,

Petitioner,

v.

ORDER

Civil No. 14-921 (MJD/JJK)

Tom Roy, Commissioner of
Corrections and Michelle Smith,
Warden, MCF-Stillwater,

Respondents.

The above-entitled matter comes before the Court on Petitioner's objections to the Report and Recommendation of Magistrate Judge Jeffrey J. Keyes dated June 18, 2014.

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). In response to Petitioner's objections, Respondents have provided additional information as to Petitioner's parallel proceedings in state court. Based on the Court's de novo review and the additional information provided by Respondents, the Court will dismiss the Petition for Habeas Relief as Petitioner has failed to demonstrate that he has exhausted his state court remedies.

IT IS HEREBY ORDERED:

1. The Petition for Writ of Habeas Corpus [Doc. No. 2] is SUMMARILY DISMISSED for failure to exhaust state court remedies.
2. Petitioner's Motion to Appoint Counsel [Doc. No. 17], and to Amend [Doc. Nos. 20 and 21] are dismissed as moot.

LET JUDGMENT BE ENTERED ACCORDINGLY

Date: October 21, 2014

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court